

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

DANIEL D. HARRIS,

Plaintiff,

v.

Case No. 2:10-cv-14867

Hon. Sean F. Cox

WORLD FINANCIAL NETWORK
NATIONAL BANK, *et al.*

Defendant.

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**DEFENDANTS' RESPONSES TO PLAINTIFF'S
SECOND REQUESTS FOR ADMISSION**

Defendants, World Financial Network National Bank ("WFNNB") and Alliance Data Systems Corp. ("Alliance") through their attorney, Charity A. Olson, for their Responses to Plaintiff's Second Requests for Admission, states as follows:

1. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED]

1233 on August 18, 2010 at 1:09 pm.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Woman Within account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

2. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 18, 2010 at 1:15 pm.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

3. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 21, 2010 at 8:13 am.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

4. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 21, 2010 at 8:39 am.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Woman Within account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

5. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 21, 2010 at 11:16 am.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

6. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 21, 2010 at 11:20 am.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Woman Within account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

7. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 21, 2010 at 1:38 pm.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

8. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 21, 2010 at 1:39 pm.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Woman Within account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

9. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 21, 2010 at 3:10pm.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

10. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 21, 2010 at 3:21 pm.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Woman Within account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

11. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 21, 2010 at 4:08 pm.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the

call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

12. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 22, 2010 at 8:35 am.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Woman Within account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

13. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 22, 2010 at 10:15 am.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

14. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 22, 2010 at 10:27 am.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Woman Within account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c)

provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

15. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 22, 2010 at 11:57 am.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

16. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 22, 2010 at 12:25 pm.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Woman Within account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

17. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 22, 2010 at 12:50 pm.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Woman Within account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

18. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 22, 2010 at 12:51 pm.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

19. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 22, 2010 at 2:23 pm.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

20. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 22, 2010 at 2:23 pm.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Woman Within account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

21. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 22, 2010 at 2:23 pm.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

22. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 23, 2010 at 8:32 am.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

23. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 23, 2010 at 10:02 am.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

24. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 23, 2010 at 12:50 pm.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the

call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

25. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 23, 2010 at 12:51 pm.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

26. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 23, 2010 at 8:53 pm.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

27. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 24, 2010 at 8:27 am.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c)

provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

28. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 24, 2010 at 1:28 pm.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

29. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call ([REDACTED]) 1233 on August 24, 2010 at 5:13 pm.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

30. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 24, 2010 at 8:11 pm.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

31. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 25, 2010 at 9:11 am.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

32. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 25, 2010 at 5:57 pm.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

33. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 25, 2010 at 7:30 pm.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

34. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 26, 2010 at 8:16 am.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

35. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 26, 2010 at 6:35 pm.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

36. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 26, 2010 at 8:36 pm.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

37. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 27, 2010 at 8:16 am.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the

call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

38. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 27, 2010 at 11:48 am.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

39. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 27, 2010 at 8:49 pm.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

40. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 28, 2010 at 8:47 am.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c)

provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

41. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 31, 2010 at 8:28 am.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

42. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 31, 2010 at 11:09 am.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

43. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 31, 2010 at 6:02 pm.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

44. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on September 1, 2010 at 9:37 am.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

45. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on September 1, 2010 at 2:31 pm.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

46. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on September 4, 2010 at 10:11 am.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

47. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on September 4, 2010 at 12:31 pm.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Roamans account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

48. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on October 21, 2010 at 12:34 pm.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Brylane Home account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

49. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on October 22, 2010 at 12:16 pm.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Brylane Home account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

50. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on October 23, 2010 at 1:31 pm.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Brylane Home account holder, who: (a) was the intended recipient of

the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

51. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on October 23, 2010 at 3:31 pm.

ANSWER: Denied as untrue.

52. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on October 25, 2010 at 11:07 am.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Brylane Home account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

53. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on October 25, 2010 at 5:58 pm.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Brylane Home account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

54. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on October 26, 2010 at 1:29 pm.

ANSWER: Admitted, but only insofar as WFNNB made such call to communicate with a WFNNB/Brylane Home account holder, who: (a) was the intended recipient of the call; (b) had a prior and/or existing business relationship with WFNNB; and (c) provided express prior consent to receive such a commercial call which did not, at any time, transmit an unsolicited advertisement or telephone solicitation of any kind.

55. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on October 27, 2010 at 10:23 am.

ANSWER: Denied as untrue.

56. **ADMIT:** WFNNB telephoned [REDACTED]-1233 on August 22, 2010 at 8:27am.

ANSWER: Denied as untrue.

57. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call ([REDACTED]) 1233 on August 22, 2010 at 8:27 am.

ANSWER: Denied as untrue.

58. **ADMIT:** WFNNB telephoned ([REDACTED]) 1233 on August 23, 2010 at 8:36 am.

ANSWER: Denied as untrue.

59. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 23, 2010 at 8:36 am.

ANSWER: Denied as untrue.

60. **ADMIT:** WFNNB telephoned [REDACTED]-1233 on August 25, 2010 at 5:57 pm.

ANSWER: Denied as untrue.

61. **ADMIT:** WFNNB used an "automatic telephone dialing system" to call [REDACTED] 1233 on August 25, 2010 at 5:57 pm.

ANSWER: Denied as untrue.

PROOF OF SERVICE

I, Charity A. Olson, state that on June 24, 2011 I served the foregoing Responses to Plaintiff's Requests for Admission upon counsel of record via U.S. First Class Mail.

Respectfully Submitted,

/s/ Charity A. Olson
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